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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/194,796	12/01/1998	PETER JOHN HULME	S1022/8152	3615

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EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 12/13/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/194,796

Applicant(s)

HULME, PETER JOHN

Examiner

Brian A Zimmerman

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 23-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 23-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Status of Application.

In response to the applicant's amendment received on 10/5/01. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1,23-40 remain unpatentable for the reasons set forth in this office action:

Claim Rejections

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1,23-25,28,32,33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tsurumoto (US 4817203).

In an analogous art, Tsurumoto shows a first apparatus 4, which receives signals from a first remote transmitter 8. The first apparatus also includes a memory 23, which stores control signals for a plurality of second apparatuses 5,6,7. In response to certain signals from the remote transmitter, the first apparatus transmits a converted control signal to one the second apparatuses.

2. Claims 26,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsurumoto as applied to claim 1 above, and further in view of Miyagawa (4989081).

In an analogous art, Miyagawa shows a system where a first apparatus is used to control a plurality of second apparatuses, and the plurality of second apparatuses include a sound system 16 and a home automation system 23. This permits the user to control as many systems/subsystems with one controller thus increasing the efficiency of the single remote control. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the home bus technique taught by Miyagawa in the Tsurumoto system in order to increase the usefulness of the remote control system.

3. Claims 29,30,31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsurumoto as applied to claim 1 above, and further in view of Mills (6088355).

In an analogous art, Mills shows a cable decoder, which is generally associated with the image receiving circuit. This cable decoder of Mills is programmable. Mills can program the device using a smart card or signals received from the broadcast signal. See col. 11 lines 13-54 and col. 9 lines 9-40. The examiner is aware that there are many methods of programming command data into devices. Here Mills shows two that are used in the art of Television systems. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the programming technique taught by Mills in the Tsurumoto system in order to provide easy programming of the system.

4. Claims 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsurumoto as applied to claims 1 and 32 above, and further in view of Geiger (508534). In an analogous art, Geiger shows a remote control system with first and second apparatuses, where the first apparatus sends control signals to the second apparatus in response to signals received from a remote controller. Geiger also shows a further remote controller, which can be used to control the first apparatus. This shows that each apparatus can have a dedicated remote controller in addition to the system's "universal" remote controller. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the multi-"remote controller" technique taught by Geiger in the Tsurumoto system in order to allow increased control of the remote control system.

REMARKS

Response to Arguments.

The following discussion is introduced in direct response to the arguments presented in the instant amendment:

1. The applicant believes that the claimed invention differs from the prior art of record for the following reasons:

a. The applicant argues that Tsurumoto does not show either of the secondary devices are responsive to second remote control device.

b. The applicant argues that Tsurumoto does not show the storing of second control signals in the first apparatus.

c. The applicant argues that Tsurumoto does not show receiving signals at the apparatus from a broadcast media that are then stored to be used by the first apparatus to send second control signals to the second apparatus.

d. The applicant argues that Tsurumoto does not show remotely controlling the second apparatus.

e. The applicant argues that Tsurumoto teaches away from a combination with Miyagawa.

2. Regarding the applicants arguments the examiner points out the following:

a. The examiner points out that this limitation only exists in the preamble. This limitation has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Additionally, it is pointed out that the prior art in Tsurumoto discusses such systems where a different remote control (created by moving the switch 21) is used to control different devices.

b. It is pointed out that Tsurumoto stores "data necessary for code conversion." Tsurumoto does not store data necessary for signal conversion. It is the examiner's position that data necessary for "code" conversion inherently includes the storage of second control signal destined for the second device being controlled.

c. The specification is used as a guide and the language "broadcast medium" is given its broadest reasonable interpretation. Tsurumoto teaches a memory that stores data necessary for code conversion. This memory, in the first apparatus, inherently must be programmed, and this programming is accomplished using wires to program the memory. As such this wire or communication delivery used to program the memory of the apparatus are considered the broadcast medium that delivers the data necessary for code conversion.

d. The applicant's arguments appear to allege that the claims require some wireless communication of the second control signals from the first to the second apparatuses. This is not the case. Tsurumoto shows the communication of the second control signals from the first apparatus over bus 17 to the second apparatus which is remote from the first apparatus.

e. The applicant's argument of Tsurumoto teaching away from the combination is not persuasive. Tsurumoto does not expressly teach or suggest having no additional "second" apparatuses being controlled over a bus and therefore cannot be considered to teach away from the teachings of Miyagawa discussed in the above rejection.

Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. ' 706.07(a).


Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. ' 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. ' 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



Brian A Zimmerman
Primary Examiner
Art Unit 2635

BaZ
December 11, 2001